

and extraordinary occasions in the minds of the Republican leadership of the Senate. Madison warned of the "danger of disturbing the public tranquility by interesting too strongly the public passions" through frequent constitutional amendments. Over 11,000 proposed constitutional amendments have been introduced in Congress, including 66 during the current 109th Congress.

Over the past three decades, the number of proposed constitutional amendments considered on the Senate floor has increased dramatically. When in doubt here, amend the Constitution: from two amendments between 1973 and 1983, to five amendments between 1983 and 1993, nine amendments between 1993 and 2003, to four already in this 3-year cycle since 2003.

There appears to be a trend toward considering constitutional amendments on the Senate floor during even-numbered years which, coincidentally, happen to be election years.

Constitutional amendments should be considered by Congress without politicization. We should consider these for the serious suggestions that they are, instead of electioneering, and that is what has happened too often on the floor of the Senate.

Americans' reverence for the flag does not have to be coerced or policed. It is something we feel in our bones. When it comes to the Bill of Rights, I trust Thomas Jefferson a lot more than Karl Rove. I believe the words of Thomas Jefferson have endured. I believe the political tactics of Mr. Rove and the Republican Party will not endure when it comes to using the Constitution for political purposes.

Remember what happened after September 11? Remember all the American flags that suddenly appeared? Stores sold out of flags. In a time of national trauma and grief, these flags were our comfort and our strength. They were a visible symbol of our unity and our faith that America would endure. Our Nation had suffered a terrible loss, but the American flag waved proudly.

Sadly, in the 5 years since then, with our Nation at war, there are those who seek to pit us one against the other for political reasons. Now they want to use our flag as a wedge issue in this election.

This political effort to "brand" the flag as belonging to one party causes some to feel sad and disillusioned. Bill Moyers, the journalist, thinker, and former Presidential adviser, was among many who felt troubled by the effort to redefine respect for the flag as a partisan issue.

Last year, Bill Moyers made a speech about freedom in America in which he talked about the flag. He offered some profound words of wisdom that are worth reflecting upon today. He said the following:

I wore my flag tonight. First time. Until now I haven't thought it necessary to display a little metallic icon of patriotism for everyone to see. It was enough to vote, pay my

taxes, perform my civic duties, speak my mind, and do my best to raise our kids to be good Americans.

Sometimes I would offer a small prayer of gratitude that I had been born in a country whose institutions sustained me, whose armed forces protected me, and whose ideals inspired me; I offered my heart's affections in return. It no more occurred to me to flaunt the flag on my chest than it did to pin my mother's picture on my lapel to prove her son's love. Mother knew where I stood; so does my country. I even tuck a valentine in my tax returns on April 15.

So what's this doing here? Well, I put it on to take it back. The flag's been hijacked and turned into a logo—the trademark of a monopoly on patriotism. On those Sunday morning talk shows, official chests appear adorned with the flag as if it is the good housekeeping seal of approval. During the State of the Union, did you notice Bush and Cheney wearing the flag? How come? No administration's patriotism is ever in doubt, only its policies. And the flag bestows no immunity from error. When I see flags sprouting on official lapels, I think of the time in China when I saw Mao's little red book on every official's desk, omnipresent and unread.

I think Bill Moyers had it right. The flag amendment should not be used as a proxy for patriotism.

I respect our flag as the symbol of the freedom granted to us by the Bill of Rights, and it is painful for me to see it burned or otherwise defiled. I strongly believe that flag burning is an insensitive and shameful act, but I believe that it would be destructive to amend the Bill of Rights for the first time in our nation's history and restrict the precious freedoms ensured by the first amendment, simply to address an act which occurs in America only a few times a year.

The real test of our belief in the Bill of Rights—the real test of our patriotism—is when we rise in defense of the rights of those whose views we disagree with or even despise. The right to free speech is a bedrock of our democracy. Amending our Constitution's Bill of Rights would be a strike against the very freedoms for which the flag stands and for which so many Americans have given their lives.

Mr. GRASSLEY. Mr. President, I rise today in support of S.J. Res. 12, the proposal to amend our Constitution to return to Congress the authority to legislate on the issue of flag desecration. Like my colleagues, I do not take lightly the concept of amending our Constitution, but in this area, a run-away judiciary has left us no choice.

No other emblem is as synonymous or representative of our Nation as the American flag. No other image depicts as readily the freedoms and ideals our men and women in uniform have battled for. Americans proudly fly our flag to demonstrate their love for our country and for their neighbors. Schoolchildren have been pledging allegiance to it every morning for decades. The American flag has been flown in times of battle, of victory, and of national tragedy. It is the most recognized symbol of freedom and democracy in the world.

Our flag should be protected from those who would desecrate it and demonstrate a basic lack of respect for our national heritage. At the very least, decisions about whether and how to protect our flag should be made by the legislative branch, not the unelected judiciary.

The proposal before us today would not immediately ban flag desecration, as its opponents would lead you to believe. Rather, it would return the power to legislate on the issue to Congress and the States, where it belongs. This constitutional amendment will restore the legislative authority to protect our flag to the legislative branch.

I will be voting in favor of this amendment, and I urge my colleagues to join me in doing the same.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader.

#### MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, during the week of June 19 through June 25, nationwide we celebrate in observance of Juneteenth Independence Day. Although passage of the 13th amendment in January 1865, legally abolished slavery, many African-Americans remained in servitude due to the slow dissemination of this news across the country. It was not until June 19, 1865, that Union troops reached Galveston, TX, and emancipated the last of the slaves. Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

It is appropriate and necessary that we, as a nation, recognize Juneteenth and use this day to reflect upon how far we have come and how far we still have to go. While it was on this historic day in 1865 that slaves were finally freed of the onerous yoke of slavery, the same cannot be said about the burden of pervasive racial oppression and second-class citizenship, which would not be eradicated in earnest until 100 years later through the civil rights movement of the 1960s. Although we have made tremendous progress in eliminating discrimination and creating equal opportunities over the years, the American dream continues to elude the grasp of many Americans.

I would like to reflect on the courageous and revolutionary leaders who

pioneered the Civil Rights Movement and bridged the gap between emancipation in 1865 and equality in the 1960s. It seems only appropriate to begin with the person who first proposed to commemorate the achievements of former slaves and their descendants: Dr. Carter G. Woodson. A son of former slaves and a man who rose from the coal mines of West Virginia to the summit of academic achievement, Dr. Woodson's story is considered one of the most inspiring and instructive stories in African-American history.

Writer, editor, and lecturer Lerone Bennett tells us his story: "At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received a bachelor's and master's degrees, and to Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history."

In 1926, Dr. Woodson founded African-American history month: a time to recognize the enormous contributions of a people of great strength, dignity, faith, and conviction, who strived for the betterment of a nation once lacking in humanity toward them.

So it is in the spirit and vision of Dr. Woodson that I pay tribute to three courageous and inspiring African-Americans who played significant roles in addressing American injustice and inequality.

The contributions of Sojourner Truth and Mrs. Rosa Parks, two women from my State, and the venerable Dr. Martin Luther King, Jr., are indelibly etched in the chronicles of the history of this great Nation, and they are also widely viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement and a groundbreaking speaker on behalf of equality for women. Michigan honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI, on September 25, 1999.

Truth lived in Washington, DC, for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875 and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted authorizing the President of the

United States to award the Congressional Gold Medal to the late Mrs. Rosa Parks. I was pleased to coauthor this fitting tribute to Mrs. Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Fifty-one years ago, in Montgomery, AL, the modern civil rights movement began when Mrs. Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott that Mrs. Parks initiated was the beginning of an American revolution that elevated the status of African-Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

Perhaps more than any other single person, it was Dr. King—with his visionary leadership and inspiring rhetorical skills—who can be considered the driving force behind the 1960s civil rights movement.

Mr. President, we have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Carter G. Woodson, Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle for human rights.

I am happy to join with my colleague, Senator BARACK OBAMA, in commemorating Juneteenth Independence Day with the submission of S. Con. Res. 42. This resolution recognizes the end of slavery and reminds us to never forget even the worst aspects of our Nation's history.

#### NOMINATION OF JEROME HOLMES

Mr. INHOFE. Mr. President, I ask unanimous consent that four letters written in support of the nomination of Jerome Holmes to the Tenth Circuit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CAPITOL BUILDING,  
Oklahoma City, OK, June 19, 2006.

Re recommendation of Jerome A. Holmes,  
U.S. Court of Appeals for the Tenth Circuit.

Hon. ARLEN SPECTER,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR SPECTER: As Governor of the State of Oklahoma, and as a former Chair of the State Senate Judiciary Committee, I have had a lot of experience in the selection of judges. In our modified Missouri system of appointment of judges, the Governor plays a key role when judicial vacancies occur. Not only does the Governor appoint members to the Judicial Nominating Commission, but he or she also is forwarded the final three names of judicial applicants

for gubernatorial selection. I take this responsibility very seriously, and I have personally interviewed every single candidate forwarded to me.

I have come to know and respect Mr. Jerome Holmes, a nominee for the Tenth Circuit vacancy created by the retirement of my friend, Judge Stephanie Seymour. Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics and integrity. Indeed, I recently appointed his former supervisor, Judge Arlene Johnson, to our court of last resort on criminal matters, the Oklahoma Court of Criminal Appeals. When Arlene was Chief of the Criminal Division of the U.S. Attorney's office in the Western District of Oklahoma, Jerome was her chief deputy. Their division was considered a model division of the U.S. Attorney's office. Jerome handled this difficult task with competence and honor, and he was part of the prosecution team that brought charges against the perpetrators of the Oklahoma City federal building bombing.

I have also come to know Jerome on a personal basis through the Oklahoma Symposium, a sort of "think tank" gathering of top Oklahomans that meets formally once a year, and informally in small groups from time to time. It is an honor to be invited to join the Symposium, and Jerome was among the first to be invited for membership.

Jerome is uniquely qualified for this position. He served as a law clerk for Federal District Judge Wayne Alley and then for the then-Chief Judge of the Tenth Circuit Court of Appeals, the honorable Judge William Holloway. Jerome then practiced for several years in civil litigation before devoting himself for eleven years to the U.S. Attorney's Office in Oklahoma City. For several months, he has been practicing at Crowe & Dunlevy, one of the largest and most respected law firms in Oklahoma. In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

I hope you will see fit to appoint this remarkably talented young man to this important position. I know of the Tenth Circuit, as well, because my cousin, Judge Robert Henry, will become the Chief Judge of that Circuit in 2008. I know he shares my high regard for Jerome, as he has told me of Jerome's excellent professional appearances before that court.

I continue, Senator, to appreciate the very important work that you do. Please do not hesitate to contact me if I can be of service, or, of course, if you should come to Oklahoma.

Sincerely,

BRAD HENRY,  
Governor.

RYAN, WHALEY & COLDIRON,  
Oklahoma City, OK, June 21, 2006.

Re nomination of Jerome A. Holmes to the Tenth Circuit.

Hon. ARLEN SPECTER,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER AND SENATOR LEAHY: I am writing in support of the nomination of Jerome A. Holmes for the United States Court of Appeals for the Tenth Circuit.

I am a lifelong Democrat. For six years I was fortunate to work on the United States Senate staff of Senator David Boren and the Senate Agriculture Committee. During this time I met Senator Leahy and personally witnessed his leadership as a committee chairman. I was the Democratic nominee for